

## Remarks

Claims 1, 4-17, 24, 26-29 and 31 are pending.

### Distinguishing Fernberg.

Claims 1 and 31 were rejected under Section 102 as being anticipated by Fernberg. Claims 4-17, 24, and 26-29 were rejected under Section 103 as being obvious over Fernberg or Fernberg in view of other references.

#### *Claim 1 -- Determining Pigment Actually Used On A Single Printed Sheet.*

Claim 1 has been amended to clarify that the method is directed to accounting for printing to a single sheet of media. Claim 1 as amended, therefore, recites "determining an amount of pigment used on the single sheet...." and "adding a cost of the single sheet of media actually used and a cost of the pigment used on the single sheet of media...."

Fernberg does not teach any kind of print cost accounting that includes determining the amount of pigment actually used on a single printed sheet. On the contrary, Fernberg teaches only that the cost per copy for a copy machine used over the course of a month may be computed by adding the "operating cost" and the "cost of all expendable supplies" and then "divide the sum by the number of copies per month.... That's your total cost per copy." Fernberg paragraphs 2 and 7.

Applicants acknowledge that Fernberg's "expendable supplies" include "toners", but Fernberg says nothing about determining the amount of toner used on a single sheet. There is simply no indication at all in Fernberg that she does anything other than determine the cost of toner on a monthly basis without regard to the amount of toner used on any individual sheet. Thus, even if it assumed that toner constitutes pigment, Fernberg does not teach the method as claimed.

#### *Claim 31 -- The Printing Device Determining Cost Based On Pigment Used*

The method for determining the costs "associated with a print job" in Claim 31 includes "after fulfilling at least a portion of the print job, the printing device determining the cost associated with each page based on the actual pigment used...."

First, Fernberg does not teach that her copy machine determines the cost of anything, specifically not the cost associated with each page based on the actual pigment used. Second, Fernberg does not teach determining the cost associated with

each page in a print job based on the actual pigment used. As detailed above, Fernberg at most teaches only that a per copy cost may be computed based on total monthly cost of toner and other "expendable supplies." Fernberg does not teach or suggest that her copy machine somehow determines the actual toner used on each page in a print job.

*Claim 24 -- Determining The Cost Of Pigment Associated With A Page Pane*

The computer usable medium of Claim 24 includes instructions for a computer to determine a number of dots in a first pane of a page of a print job and multiply the number of dots in the first pane by an average pigment cost per dot to determine the cost of a pigment associated with the first pane of a page.

In support of the obviousness rejection of Claim 24, the Examiner states at page 4 of the pending Action:

However [Fernberg] does disclose counting dots per inch for determining cost per copy for color costs in Paragraph 16, lines 3-7, which suggests that the number of dots is incorporated into, and effects the determination of the cost of color pigmentation on a copy, thereby making it obvious to multiply the number of dots in each pane by an average pigment cost to determine the cost of a pigment associated with the first pane of a page.

This statement is not correct. The cited paragraph from Fernberg is quoted in full below.

If superb quality is your paramount objective in color copying, the cost per copy will be bearable to you. Your greater concerns will be with sufficient dots per inch (dpi) from the digital scanning device and advanced color discrimination capability to ensure fidelity in color reproduction. If color differentiation is closer to your color copying need, cost-per-copy is important. The key is knowing your objectives. Fernberg, 4th full paragraph on page 32.

This passage from Fernberg does not teach "counting" dots per inch for determining cost color copy costs, or for any other purpose. This passage suggests only that "superb quality" color copies cost more than lesser quality color copies. Fernbergs acknowledgement that print resolution as measured in dpi may reflect copy quality suggests nothing at all about color panes and pigment costs per dot generally, and specifically not multiplying the number of dots in the first pane by an average

pigment cost per dot to determine the cost of a pigment associated with the first pane of a page.

Applicants respectfully submit that there is just no way an ordinarily skilled artisan exercising even the most hyper-common sense would, after reading Fernberg, say "aha, I can determine printing costs by first determining the number of dots on a page of a print job and then multiplying the number of dots by an average pigment cost per dot to determine the cost of a pigment associated with the a page (or a pane of the page)", at least not without first having read the pending Application. There is not the least hint in Fernberg that copy costs might be computed based on per dot pigment costs and/or the number of dots on a pane/page. If the Examiner disagrees, then the Examiner is respectfully requested to specifically point out and explain how it is that the ordinarily skilled artisan would find it obvious to make this leap from Fernberg without the benefit of impermissible hindsight.

*Claims 5, 26 – Determining An Amount Of Pigment Used On Each Sheet*

The cost accounting method of Claim 5 includes "determining an amount of pigment used on **each** of the sheets...." (emphasis added). The system of Claim 26 includes a data processing system "operative to receive a print job and to record an actual number of sheets of media used to execute a print job and to record an amount of pigment used on each sheet of media for execution of the print job...."

The Examiner asserts Fernberg teaches these elements of Claims 5 and 26 at paragraph 6. As detailed above for Claim 1, Fernberg does not teach any kind of print cost accounting that includes determining the amount of pigment actually used on an individual sheet. Fernberg, therefore, does not teach determining the amount of pigment used on each of a plurality of individual sheets. Thus, Claims 5 and 26 distinguish patentably over the combination of Fernberg and Lacheze (Claim 5) and Fernberg and McLean (Claim 26).

The foregoing is felt to be a complete response to the pending Office Action.

Respectfully submitted,

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